



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ATMI, INC.
7 COMMERCE DRIVE
DANBURY CT 06810

COPY MAILED

AUG 25 2005

OFFICE OF PETITIONS

In re Application of
Robert R. MOORE et al
Application No. 09/991,822
Filed: November 6, 2001
Attorney Docket No. 9964/417/CIP/DIV

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed July 13, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 15, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 16, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137 (b) in that (1) the reply in the form of an amendment; (2) the petition fee of \$1,500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of December 15, 2004 is accepted as having been unintentionally delayed.

This application is hereby accorded rule 1.47(b) status.
37 CFR 1.63(d)(3) states:

Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:

- (i) A copy of the decision granting a petition to accord §1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under §1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365 (c)

The copy of the decision granting the petition under 37 CFR 1.47(b) in the prior application serial number 09/228,706 has been received on August 11, 2005 and has been made of record in the above-identified application. The application papers are now in compliance with 37 CFR 1.47(b).


As provided in 37 CFR 1.47(c), no notice of this application's filing will be forwarded to the non-signing inventor nor will such notice be published in the Official Gazette since notice regarding the filing of the prior application was given to the non-signing inventor(s).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Amelia Au at (571) 272-7414. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application file is being referred to Technology Center Art Unit 1754 for appropriate action.



Frances Hicks
Lead Petitions Examiner
Office of Petitions

cc: DUGAN & DUGAN, P.C.
55 SOUTH BROADWAY
TARRYTOWN NY 10591